

Site Types Work Group Update

NACEPT Superfund Subcommittee Meeting
January 7, 2003

Work Group Objectives

Consider options for the future role of the NPL given the number and types of cleanup sites that may be expected in the future. For example:

- What types of sites belong on the NPL?
- What criteria should be used to list them considering the universe of sites that need attention?
- Who should be involved in the listing process.

Core Questions

The following questions relevant to mega sites are identified in the Subcommittee's Charge and were discussed at the Subcommittee's September 23-24, 2002 meeting.

1. Should costs be the determining factor when designating sites as mega sites or should other factors such as complexity or geographic size be considered?
2. What are the reasonable policy options for addressing mega sites? Are there viable alternatives to placing mega sites on the NPL and/or ways of containing their costs?

Core Questions (cont'd)

3. What are the unique aspects of mega sites that might require a different decision making process for NPL listing?
 - a. Large geographical distribution (e.g. river basins)
 - b. Slow rate of progress
 - c. Risk management challenges
 - d. Factors specifically relevant to Federal Facilities
 - e. Recalcitrant or non-existent PRP's
 - f. No significant differences other than cost
 - g. Mix of public health and ecological impacts but the ecological impact is the primary driver.

Overlapping Questions with the Cleanup Program Work Group

- How do we prioritize sites if we can't do everything on the NPL?
- What about “smaller” sites – sites with less contamination and with PRP's that have less money than mega sites? How can other programs help?
- How do we do more with what we have (resources, efficiency)?

Information Considered

In working toward its objectives, the work group considered the following information:

- Current NPL Universe: characteristics/numbers of sites (size, complexity -various indices, cost, origin)
- Future NPL Universe (consider what is coming through the “pipeline”)
- Explore “mega site” definitional issues and the number and types of sites that may become mega site cleanups.
- Key questions in the charge/work plan relating to Mega sites and NPL.

ASSUMPTIONS

In order to frame its discussion of policy alternatives, the work group developed several assumptions:

- 1. *Timeframe assumption:*** The group agreed to consider a 10-year time frame.
- 2. *Funding Assumptions:*** Two general assumptions were considered regarding funding. In response to the request from the Agency, one scenario will be to assume level funding. A second scenario will be to assume that funding is not limited to the current (\$1.3 billion) funding (greater than level funding).
- 3. *Program Operations Assumptions:*** To what extent should the group consider administrative and operational functions?

Site Type Issues and Corresponding Policy Options

The work group is in the process of exploring policy options to address the “NPL listing” and “Mega Site” issues related to site types.

- Issues were identified by individuals and were discussed at the November 20th work group meeting.
- Preliminary discussions resulted in the generation of policy options to address those issues.
- The options considered to date do not necessarily reflect all of the options that can be considered, nor do they reflect the consensus of the work group.

Categories of Issues Considered

- NPL Listing Issues
- Mega Site Issues
- NPL Site Management Issues

NPL Listing Issues

Base Issues:

Any site presenting imminent and substantial endangerment should be addressed.

Do we agree that the NPL should be an option of last resort?

Policy Options were identified within the following categories:

- A. Can the NPL listing/screening process be modified so that Superfund resources can be more effectively applied?

NPL Listing Issues (Cont'd)

- **Policy Options (cont'd):**
- B. Does the HRS process prevent the listing of high-risk sites because of factors relating to the density of populations at risk and if so, should the process be altered to address this situation?
- C. Does the requirement of Governors' concurrence prevent the listing of high-risk sites that should be on the NPL and, if so, how can such sites be funded in the absence of state matching funds?
- D. Are there pro-active options for limiting the number of sites coming into the NPL pipeline (both internal and external to the Superfund Program)? Conversely, should the NPL be expanded and bolstered to add more sites?

Mega Site Issues

Can any categorical sites be managed in such a way so that funds can be allocated better to non-mega sites that pose a greater risk?

1. Status Quo Option
2. Create a “list within the NPL list” for categorical sites (such as mining or sediment sites) within the NPL.
3. Remove these categorical sites from the NPL and transfer them to alternate/existing programs.
4. Alter the NPL listing process to limit listing of these sites.
5. Create a new/different program(s) to address this set of sites.

NPL Site Management Issues

Can the management of sites that have been added to the NPL be modified so that Superfund resources can be more effectively applied?

- Expand the Superfund Removal Program
- Evaluate the funding prioritization (What are the impacts of spending 80% of the funds on 20 % of the sites?)
- Evaluate Presumptive Remedies, Analysis of Legal Costs, Other Reforms
- Increase Emphasis on Enforcement and Cost Recovery at both the state and federal level
- Increase Efficiencies in the Program

Information Still Needed

A matrix has been developed to track the status of the information requests relevant to the Site Types Work Group.

- NPL related information requests
- Mega site related information requests